

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

KYMBERLY HOBBS, )  
ADMINISTRATOR OF THE ESTATE )  
OF CHARLES JAMES GIVENS, )  
DECEASED, )  
Plaintiff, ) Case No. 1:23cv00003  
)  
v. )  
ANTHONY RAYMOND KELLY, et al., )  
Defendants. )

VERDICT FORM

**Liability: Excessive Force**

1. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has proven by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery used excessive force against Mr. Givens in violation of the Eighth Amendment?

**Answer "yes" or "no"**

As to Anthony Kelly: \_\_\_\_\_

As to Gregory Plummer: \_\_\_\_\_

As to Joshua Jackson: \_\_\_\_\_

As to William Montgomery: \_\_\_\_\_

**Liability: Deliberate Indifference**

2. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery acted with deliberate indifference to Mr. Givens's serious medical needs, in violation of the Eighth Amendment?

**Answer "yes" or "no"**

As to Anthony Kelly : \_\_\_\_\_

As to Gregory Plummer: \_\_\_\_\_

As to Joshua Jackson: \_\_\_\_\_

As to William Montgomery: \_\_\_\_\_

**Liability for Assault**

3. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed an assault on Mr. Givens in violation of state law?

**Answer "yes" or "no"**

As to Anthony Kelly : \_\_\_\_\_

As to Gregory Plummer: \_\_\_\_\_

As to Joshua Jackson: \_\_\_\_\_

As to William Montgomery: \_\_\_\_\_

### **Liability for Battery**

4. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed a battery on Mr. Givens in violation of state law?

**Answer "yes" or "no"**

As to Anthony Kelly : \_\_\_\_\_

As to Gregory Plummer: \_\_\_\_\_

As to Joshua Jackson: \_\_\_\_\_

As to William Montgomery: \_\_\_\_\_

### **Liability for Conspiracy**

5. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed a conspiracy against Mr. Givens in violation of state law?

**Answer "yes" or "no"**

As to Anthony Kelly : \_\_\_\_\_

As to Gregory Plummer: \_\_\_\_\_

As to Joshua Jackson: \_\_\_\_\_

As to William Montgomery: \_\_\_\_\_

*If you answered "No" to Questions 1- 5, please turn to Page \_\_, where the Foreperson shall sign and date this form and return it to the court security officer.*

*If you answered "Yes" to any of the preceding questions, you must also answer the following questions concerning the amount of damages to be awarded to the plaintiff.*

### **Compensatory Damages**

6. We find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has established, by a preponderance of the evidence, that she is entitled to the following sum as compensatory damages of Charles Givens for the beneficiaries for the wrongful death of Charles Givens from the following defendants:

Anthony Kelly	\$ _____
Gregory Plummer	\$ _____
Joshua Jackson	\$ _____
William Montgomery	\$ _____

### **Punitive Damages**

7. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, is entitled to punitive damages from any of the defendants?

Answer yes or no: \_\_\_\_\_

8. If you answered "Yes" to Question 7 as to a defendant, state the amount of punitive damages that you award to the plaintiff against that defendant:

Anthony Kelly	\$ _____
Gregory Plummer	\$ _____
Joshua Jackson	\$ _____
William Montgomery	\$ _____

**Certification**

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

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DATE

FOREPERSON'S SIGNATURE

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FOREPERSON'S PRINTED NAME